

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED
ASHEVILLE, N. C.

IN RE: ASBESTOS PRODUCTS LIABILITY: CIVIL ACTION NO. MDL 875
LITIGATION (NO. VI)

AUG 14 2006

This Document Relates To:

U.S. DISTRICT COURT
W. DIST. OF N. C.

X
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

IN RE:) C/A No. 1:04-CV-00272
)
ASBESTOS LITIGATION)
)
DEBORAH R. WATERS, et al.,)
)
Plaintiffs,)
)
versus)
)
AIRCO, INC., et al.,)
)
Defendants.)
)

STIPULATED ORDER OF DISMISSAL

On December 17, 2004, Plaintiffs filed their Complaint naming Numanco LLC ("Numanco") as one of many defendants and alleging injuries resulting from asbestos-related diseases contracted through exposure to asbestos or asbestos-containing products. Plaintiffs sought unspecified monetary damages for their alleged injuries.

On June 17, 2005, Numanco timely filed and served its response to the Complaint, moving for dismissal under Federal Rule of Civil Procedure 12(b)(6) on the ground that any liability for Plaintiffs' claims was retained by Numanco's predecessor, Nuclear Support

Services, Inc., which had sold Numanco out of Chapter 11 bankruptcy proceedings in 1996. On February 7, 2006, Numanco moved this Court to Treat its Motion to Dismiss as Uncontested under Local Rule 7.1(c).

On July 12, 2006, Numanco and Plaintiffs entered into an agreement, free of conditions, whereby Plaintiffs' action against Numanco will be terminated and all claims against Numanco will be dismissed with prejudice.

Now, therefore, upon consent of Numanco and Plaintiffs, upon all prior proceedings herein, it is

ORDERED, ADJUDGED AND DECREED that:

Plaintiffs Complaint against Numanco is hereby dismissed with prejudice

DATED: July 19, 2006

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DATED: July 16, 2006

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